



City of Dublin

Office of the City Manager

5200 Emerald Parkway • Dublin, OH 43017-1090

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Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager 

Date: January 22, 2015

Initiated By: Terry Foegler, Director of Strategic Initiatives/Special Projects
Philip K. Hartmann, Assistant Law Director

Re: ORDINANCE 07-15 - AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.006 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FROM THE ESTATE OF BASIL J. BROWN, FOR THE PROPERTY LOCATED OFF RIVERSIDE DRIVE, NORTH OF DALE DRIVE, FOR THE RELOCATION OF RIVERSIDE DRIVE, AND DECLARING AN EMERGENCY.

BACKGROUND

The City of Dublin ("City") is preparing to construct and relocate Riverside Drive north of Dublin-Granville Road and south of Tuller Road (the "Project"). The City must obtain property interests from various landowners located within the City in order to construct this Project. Much of the property acquisition has been completed; however, there is a 0.006 acre parcel still needs to be acquired for the Project (the "Orphan Parcel").

The last known owner of the Orphan Parcel was Basil J. Brown, who took title of much of the property around the Orphan Parcel in 1907. In 1928, Mr. Brown conveyed out the former Jen-Josh, LLC parcel, excepting out of the conveyance the 0.006 acre Orphan Parcel to be used for an alleyway access. Mr. Brown died intestate around 1945. While at least one of his heirs has been identified, it is still unclear who holds title to this Orphan Parcel. The Orphan Parcel does not appear to have been part of Mr. Brown's probate proceedings.

The City must obtain this Orphan Parcel for the construction of the Project; this Ordinance authorizes the City Law Director's office to file a complaint for appropriation to acquire the Orphan Parcel for its appraised value. Since it is still unclear who holds title, the City may file a quick-take appropriation action. The quick-take action would permit the City to take possession of and enter onto the property for purposes of constructing the Project after filing the complaint for appropriation and depositing the value of the property with the court.

ACQUISITION

The property acquisition consists of the following property interests from the Estate of Basil J. Brown, as depicted in the exhibits attached hereto:

Property Owner	Property Interests	Appraised Value
The Estate of Basil J. Brown	Fee Simple Interest (0.006 acre ±)	\$900.00

RECOMMENDATION

The Law Department recommends approval of Ordinance No. 07-15 by emergency for the immediate preservation of the public peace, health, safety, and welfare, and for the further reason that acquiring the subject property will keep the Project moving forward.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 07-15

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.006 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FROM THE ESTATE OF BASIL J. BROWN, FOR THE PROPERTY LOCATED OFF RIVERSIDE DRIVE, NORTH OF DALE DRIVE, FOR THE RELOCATION OF RIVERSIDE DRIVE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") will be relocating Riverside Drive to the east of its current location, between Dublin-Granville Road and Tuller Road (the "Project"); and

WHEREAS, said Project requires that the City obtain a 0.006 acre, more or less, fee simple interest from the Estate of Basil J. Brown, as described in the Exhibit labeled "A" and depicted in the Exhibits labeled "B," all attached hereto, said property interest located in the City of Dublin, County of Franklin, State of Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. Council considers it necessary and declares its authorization to appropriate for the appraised value of Nine Hundred Dollars (\$900.00), for the purpose of relocating Riverside Drive, a fee simple interest as described in the Exhibit labeled "A" and depicted in the Exhibit labeled "B," all attached hereto.

Section 2. The City Law Director's office is hereby authorized to file a petition for appropriation in the county Court of Common Pleas should it become necessary.

Section 3. This Ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that obtaining the property interest is necessary for the advancement of this Project. The Ordinance shall therefore take effect immediately upon passage.

Passed this _____ day of _____, 2015.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

Exhibit A

0.006 ACRE

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Lot 11, Quarter Township 3, Township 2, Range 19 of the United States Military Lands, and being the remainder of the tract conveyed to Basil J. Brown by deed of record in Deed Book 460, Page 519, being the 8-foot wide strip of land originally described in Deed Book 912, Page 487 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING, FOR REFERENCE, at a magnetic nail set at the intersection of the centerline of Dale Drive (60 foot width) extended as shown on Plat Book 58, Pages 81 and 82 with State Route 257 (right-of-way width varies), also known as Riverside Drive as shown on the right-of-way plans DUBLIN-BELLEPOINT ROAD S.H. 558 SEC. A FRANKLIN COUNTY OHIO (1940) AND S.H. 558 SEC. A PT. (1944) on file with the Ohio Department of Transportation, District 6, Delaware, Ohio, also being in the westerly line of the remainder of the 9.356 acre tract conveyed to Village Square Center Ltd. by deed of record in Deed Book 3672, Page 531 and the easterly line of the 2.187 acre tract conveyed to the Village of Dublin, Ohio by deed of record in Official Record 7570C02;

thence North 16° 01' 44" West, with the original centerline of State Route 257, with said easterly line, partly with said westerly line and the westerly line of the 1.318 acre tract conveyed to Peace Hanson, LLC by deed of record in Instrument Number 201006220077436, a distance of 229.85 feet, to the southwesterly corner of the 0.34 acre tract conveyed to Jen-Josh, LLC by deed of record in Instrument Number 200202270051981 and northwesterly corner of said 1.318 acre tract;

thence North 75° 10' 29" East, with the line common to said 1.318 acre and 0.34 acre tracts (passing a 5/8 inch iron rebar found at 57.99 feet), a distance of 218.66 feet, to an iron pin set at the southeasterly corner of said 0.34 acre tract and the southwesterly corner of the remainder of said Brown tract, being the **TRUE POINT OF BEGINNING**;

thence North 15° 30' 28" West, with the line common to said 0.34 acre tract and the remainder of said Brown tract, a distance of 32.17 feet, to an iron pin set at a common corner thereof and in the southerly line of the 12.884 acre tract conveyed to the City of Dublin, Ohio by deed of record in Instrument Number 201212310201439, also in the northerly line of said Lot 11, Quarter Township 3;

thence South 86° 21' 53" East, with the line common to said 12.884 acre tract and the remainder of said Brown tract and the northerly line of Lot 11, Quarter Township 3, a distance of 8.47 feet, to an iron pin set at the northeasterly corner of the remainder of said Brown tract and a northwesterly corner of said 1.318 acre tract;

thence South 15° 30' 28" East, with the line common to said 1.318 acre tract and the remainder of said Brown tract, a distance of 29.49 feet, to an iron pin set at a common corner thereof;

thence South 75° 10' 29" West, with the line common to said 1.318 acre tract and the remainder of said Brown tract, a distance of 8.00 feet, to the **TRUE POINT OF BEGINNING**, containing 0.006 acre, more or less.

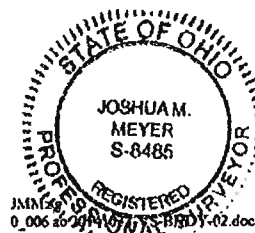
Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 73 and FRANK 74, having a bearing of South 73° 57' 18" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Registered Surveyor Number 8485 in April 2013.

EVANS, MECHWART, HAMBLETON & TILTON, INC.




Joshua M. Meyer
Professional Surveyor No. 8485

7-14-2014

Date

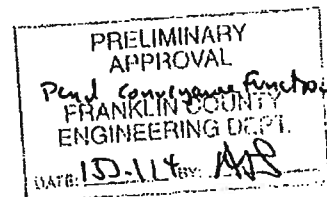


Exhibit B



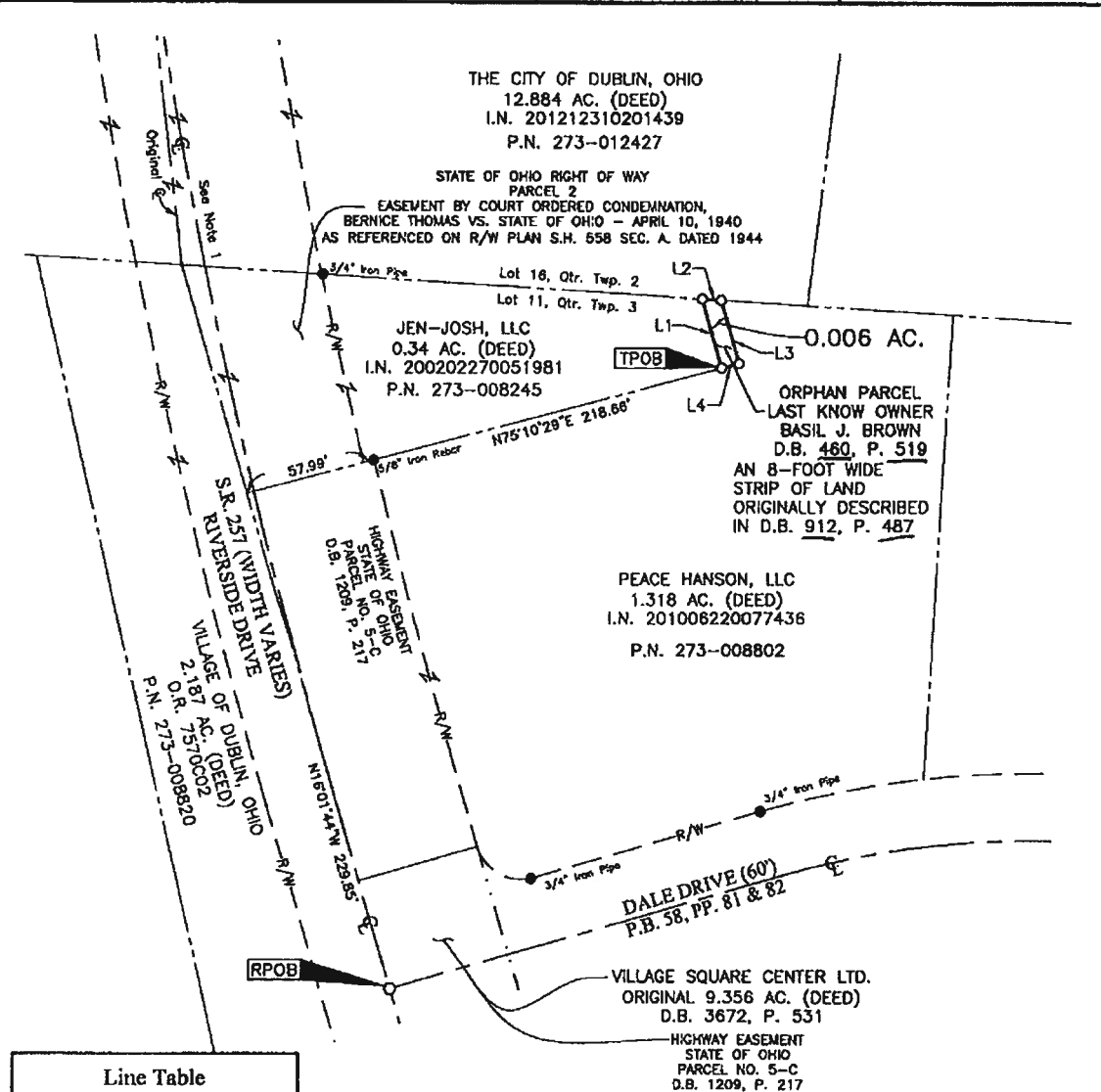
Evans, Mechwart, Hambleton & Thon, Inc.
Engineers • Surveyors • Planners • Scientists
1500 New Albany Road, Columbus, OH 43204
Phone: 614.273.4300 Toll Free: 866.275.5448
emht.com

SURVEY OF ACREAGE PARCEL LOT 11, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 19 UNITED STATES MILITARY LANDS CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date: July 14, 2014

Job No. 2014-1033

Scale: 1" = 50'



NOTE 1:

Reference the following right-of-way plans on file with the Ohio Department of Transportation District 6, Delaware, Ohio:

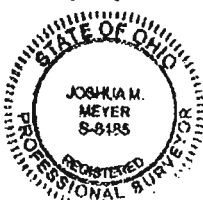
- DUBLIN-BELLEPOINT ROAD S.H. 558 SEC. A. FRANKLIN COUNTY OHIO (1940)
- S.H. 558 SEC. A PT. (1944)

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

BASIS OF BEARINGS:

The Bearings shown hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 73 and FRANK 74, having a bearing of South 73° 37' 18" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.



By Joshua M. Meyer
Professional Surveyor No. 8485

7-14-2014
Date